

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
UNITED STATES OF AMERICA,	:
	:
-v.-	:
	:
RICHARD DRAYTON,	:
	:
Defendant.	:
-----X	

17-CR-283 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of the pro se letter filed by Defendant Richard Drayton in the above-captioned case requesting this Court amend its judgment (dkt. no. 511) to set a quarterly payment amount, through the Inmate Financial Responsibility Program ("IFRP"), not to exceed \$50 per quarter and to assign him responsibility for a specific share of the \$10,000 restitution award (dkt. no. 642). The Court is also in receipt of the Government's letter in response. (Dkt. no. 647.)

The Court hereby recommends that the Bureau of Prisons ("BOP") limit Mr. Drayton's IFRP payments to \$25 per month. Mr. Drayton's second request for the Court to assign him a specific portion of the \$10,000 restitution award is denied. In its Restitution Order, the Court held Mr. Drayton and his co-Defendant jointly and severally liable, pursuant to 18 U.S.C. § 3664(h), apportioning liability "to reflect the level of contribution to the victim's loss and the economic circumstances of each defendant." (Dkt. no. 544 at 1.) The joint and several liability structure prioritizes the injured plaintiff or the government acting for the benefit of the victim by allowing him or her to

collect from any defendant until the plaintiff or victim is made whole. See United States v. Yalincak, 30 F.4th 115, 123 (2d Cir. 2022). While a district court has the discretion to apportion a limited share of liability to a defendant, see id. at 124, here Mr. Drayton's central role in the crime does not justify a departure from the typical joint and several liability structure.

The Clerk of the Court shall close docket number 642 and shall mail a copy of this Order to Mr. Drayton.

SO ORDERED.

Dated: New York, New York
May 13, 2025



LORETTA A. PRESKA
Senior United States District Judge